

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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HOWARD SALTEN,

Plaintiff,

- against -

COUNTY OF NASSAU, et al.,

Defendants.  
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**ORDER**

CV 08-5294 (SJF) (AKT)

**A. KATHLEEN TOMLINSON, Magistrate Judge:**

Plaintiff Pro Se has requested “a copy of the transcript at no cost to me of the April 30, 2009 conference . . . .” [DE 17]. Plaintiff was granted *in forma pauperis* status by Order dated January 29, 2009 [DE 4]. I have reviewed the statute that governs this issue, namely, 28 U.S.C. § 1915, which states, in pertinent part:

(a)(1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal . . . without the payment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such [person] possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.

The above-cited provision of § 1915 addresses a person’s ability to commence and prosecute a civil action without prepayment of fees. This section does not address transcripts and does not require the government to provide transcripts to any party free of charge. Further on, § 1915(c) provides that

(c) Upon the filing of an affidavit in accordance with subsections (a) and (b) and the prepayment of any partial filing fee as may be required . . . the court may direct payment by the United States of the expenses of . . . (2) preparing a transcript of proceedings before a

United States magistrate judge in any civil or criminal case, if such transcript is required by the district court, in the case of proceeding conducted under section 636(b) of this title . . . .

It is clear from these statutory provisions, therefore, that the granting of *in forma pauperis* status entitles Plaintiff Pro Se to the payment of filing fees only, not to payment of continuing litigation expenses. If Plaintiff Pro Se wishes to have the record of the April 30 proceeding transcribed at this own expense, he may contact my Deputy, Ms. Edher Montero at (631) 712-5765.

Counsel for Defendants is directed to serve a copy of this Order upon Plaintiff Pro Se forthwith and to file proof of service on ECF.

**SO ORDERED.**

Dated: Central Islip, New York  
August 3, 2009

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge